

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

In Re:

Sean M. Murray

Debtor.

Case No.: 17-44157-ess
(Chapter 7)

Assigned to:
Hon. Elizabeth Stong
Bankruptcy Judge

**AFFIRMATION SEEKING ADJOURNMENT
OF ENTRY OF ORDER TO SHOW CAUSE**

Dennis Jose, Esq., an attorney admitted to practice before this Court hereby affirms as follows:

I. Background

1. I am an attorney associated with the law firm of Gross Polowy, LLC, counsel to Specialized Loan Servicing LLC (henceforth “SLS”) in the above-captioned case. SLS is the servicer on a mortgage loan identified with loan no....9508 that is the subject of an Application by the Debtor filed on March 20, 2018 (henceforth the “Application”) seeking the entry of an Order to Show Cause. See *Docket* No. 43.

2. SLS services the mortgage on a cooperative unit commonly known as 3251 79th Street, Unit 4E, Jackson Heights, New York 11372 (henceforth the “Unit”). The Unit is also the subject of a Loss Mitigation Order entered by this Court on February 23, 2018. See *Docket* No. 34. SLS is the successor servicer to the entity named in the loss mitigation order namely, Nationstar Mortgage, LLC.

II. SLS requests that the prospective entry of the Order to Show Cause currently scheduled for April 5, 2018 be adjourned because the Sale of the Unit was cancelled prior to the Debtor's Application and the Debtor was advised of the cancellation, the Debtor has been offered a trial payment plan, and the Debtor is currently reviewing the proposed trial payment plan.

3. The Debtor made his Application on March 20, 2018. This firm was in contact with the Debtor even prior to the Application, and the fact that the prospective sale of the Unit had been cancelled was conveyed to the Debtor on March 13, 2018, well before the Application was made. Attached hereto as **Exhibit "A"** is a copy of the relevant email chain between the Debtor and counsel from this office dated March 13, 2018. Since the sale of the Unit was cancelled well before the Debtor's Application for an Order to Show Cause, it is respectfully submitted that there is no urgency that would warrant the entry of an Order to Show Cause.

4. Additionally, SLS and this counsel have been working on a loss mitigation solution for the Debtor. The Debtor has been offered a trial modification on March 23, 2018 and this firm and the Debtor are in close communication regarding the same. Attached hereto as **Exhibit "B"** is a copy of said trial modification. Most recently, the Debtor in an email dated March 27, 2018 has confirmed receipt of the trial payment plan offered, and has advised that that he is in the process of reviewing the offer made and may have questions in relation to a Qualified Written Request that the he recently made. Attached hereto as **Exhibit "C"** is a copy of the relevant email chain. SLS shall engage in the loss mitigation process in good faith and shall endeavor to answer any and all questions that the Debtor has in relation to the offer made or other concerns that he may have.

5. In light of the above-explained efforts on both sides, SLS requests that the Honorable Court adjourn the hearing on the entry of the Order to Show Cause. SLS will of course be present for the loss mitigation conference scheduled for April 5, 2018 to discuss the trial payment plan and also to address any and all questions that the Debtor may have. SLS shall proceed with the loss

mitigation conference on April 5, 2018 even if the prospective entry of the Order to Show Cause is adjourned.

WHEREFORE, for the reasons set forth above, SLS respectfully requests that the prospective entry of the Order to Show Cause scheduled for April 5, 2018 be adjourned to allow the parties to engage meaningfully in relation to loss mitigation solutions.

DATED: April 2, 2018
Westbury, New York

Gross Polowy, LLC as counsel to
Specialized Loan Servicing, LLC

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